

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

-----X
**IVAMAE GREEN, Individually and as
Parent and Natural Guardian of
FITZROY BARNES, FATIMA BARNES,
and EULACE BARNES, Infants.**

Plaintiffs,

-against-

CITY OF MOUNT VERNON,

Defendants.
-----X

Index No.: **29859-09**

Served **12/23/09**

Date Filed:

SUMMONS

**Basis of Venue:
Offices**

TO THE ABOVE NAMED DEFENDANT(s):

YOU ARE HEREBY SUMMONED to appear and answer the Verified Complaint of Plaintiff, a copy of which is hereby served upon you, and to serve copies of your Answer upon ANDREW C. RISOLI, attorney for Plaintiff, whose address is 484 White Plains Rd., Eastchester, NY 10709, within twenty (20) days after the service thereof, exclusive of the date of service, and within thirty (30) days after the service is completed if the service is made by method other than personal delivery upon you within the State of New York.

In case of your failure to answer the Verified Complaint of the Plaintiff, judgment will be taken against you by default for the relief demanded in the Verified Complaint.

**DATED: Eastchester, New York
December 14, 2009**

RECEIVED

DEC 23 2009

**TIMOTHY C. IDOMI
COUNTY CLERK
COUNTY OF WESTCHESTER**

Yours, etc.

**ANDREW C. RISOLI
484 White Plains Road
Eastchester, NY 10709
(914) 793-9241**

Defendant's Address

**CITY OF MOUNT VERNON
1 Roosevelt Square
Mt. Vernon, NY 10550**

**ANDREW C. RISOLI
ATTORNEY AT LAW
34 WHITE PLAINS ROAD
EASTCHESTER, NY 10709
(914) 793-9241**

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

-----X
**IVAMAE GREEN, Individually and as
Parent and Natural Guardian of
FITZROY BARNES, FATIMA BARNES,
and EULACE BARNES, Infants.**

Plaintiffs,

-against-

CITY OF MOUNT VERNON,

Defendants.
-----X

Index No.: 29859-09
Purchased 12-23-09

Complaint

RECEIVED

DEC 23 2009

TIMOTHY C. IDONI
COUNTY CLERK
COUNTY OF WESTCHESTER

Andrew C. Risoli, an attorney admitted to practice law in the Courts of the State of New York under the penalty of perjury, affirms as follows:

1. That at all the times hereinafter mentioned Plaintiffs were residents of the County of Westchester, State of New York, residing at 147 N. Seventh Avenue, Mount Vernon, New York.
2. That at all the times hereinafter mentioned, the City of Mount Vernon is a city in Westchester County, State of New York.
3. That on or about June 24th, 2009 a written Notice of Claim on behalf of the Plaintiff was served upon the Defendant City of Mount Vernon.
4. That service of said Notice of Claim was made within ninety (90) days after this incident on June 3, 2009.
5. That a 50H Oral Hearing was held on November 24, 2009 by Defendant City of Mount Vernon.
6. That more than thirty (30) days have elapsed since the Notice of Claim; and the payment or adjustment of said claim has not been made and has not been refused.
7. That this action is commenced within the statutory period provided by law.

8. That at all times hereinafter mentioned, Defendant City of Mount Vernon is a public entity and, as such, was responsible for the management, control and conduct of its employees.

9. That on or about June 3, 2009 Fitzroy Barnes, Fatima Barnes, and Eustace Barnes were infant children of Ivamae Green.

10. Disregarding their said duties, the Defendant, their agents, servants and/or employees, on the 3rd day of June, 2009 at or about 10:30 P.M. the Mt. Vernon Police broke down the door to Plaintiff's apartment without any prior warning, terrorizing all the Plaintiffs, with guns drawn, handcuffed Plaintiff Ivamae Green, performed three vaginal searches of Ivamae Green, ransacked Plaintiffs' apartment destroying Plaintiffs' property, left without performing any repairs after releasing Plaintiff Ivamae Green and her children Fitzroy, Eustace and Fatima Barnes, all infants, nor did the Mount Vernon Police provide for the safety of all Plaintiffs, nor return documents seized by the Police from Plaintiff Ivamae Green including her U.S. Immigration Green Card.

11. That Plaintiff Ivamae Green was told that the Mount Vernon Police has forcibly entered the wrong apartment due to an error in a search warrant.

12. As a result of the wrongful acts of their employees (Mount Vernon Police), the Defendant is guilty of intentional and/or negligent trespass for forcibly entering Plaintiffs' apartment without her permission and/or consent all to Plaintiffs' damage.

As and for a Second
Cause of Action

13. Plaintiffs repeat and reallege each and every allegation as set forth in paragraphs designated "1" through "12" as if more fully set forth herein at length.

14. As a result of the wrongful acts of their employees (Mount Vernon Police) the Defendant is guilty of intentional assault and battery upon all Plaintiffs all to Plaintiffs' damage.

As and for a Third
Cause of Action

15. Plaintiffs repeat and reallege each and every allegation as set forth in paragraphs designated "1" through "14" as if more fully set forth herein at length.

16. As a result of the wrongful acts of their employees (Mount Vernon Police) the Defendant is guilty of negligently causing property damage to Plaintiffs' property causing damages to Plaintiffs hereto.

As and for a Fourth
Cause of Action

17. Plaintiffs repeat and reallege each and every allegation as set forth in paragraphs designated "1" through "16" as if more fully set forth herein at length.

18. As a result of the wrongful conduct of their employees (Mount Vernon Police) the Defendant has negligently or intentionally caused personal injuries and traumatic emotional distress to all Plaintiffs, causing damages to Plaintiffs thereto.

As and for a Fifth
Cause of Action

19. Plaintiffs repeat and reallege each and every allegation as set forth in paragraphs designated "1" through "18" as if more fully set forth herein at length.

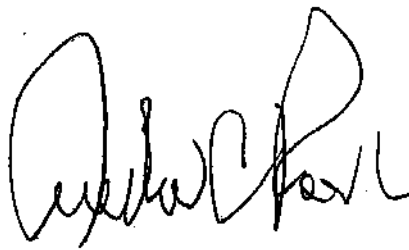
20. As a result of the wrongful conduct of its employees (Mount Vernon Police) the Defendant is guilty of false arrest and false imprisonment of all the Plaintiffs, causing damages to Plaintiffs thereto.

21. That the said damages to Plaintiffs were caused solely by the wrongful acts or the negligence of Defendant, its servants, agents or employees, Plaintiffs not contributing thereto.

22. That by reason of the conduct of Defendant's employees, as aforesaid, these Plaintiffs was rendered sick, sore, lame and disabled and their injuries and damages, upon

information and belief, are of a permanent nature; that by reason thereof, they have been prevented from following their usual duties and they have been obliged to incur medical expenses and obligations for medicine, medical care, attention and treatment; and they are informed and verily believe that they will in the future be obliged to incur further expenses and obligations, all to their damage in the sum that does not exceed the jurisdiction of this court, together with the costs and disbursements of this action.

Dated: Eastchester, New York
December 14, 2009



ANDREW C. RISOLI
Attorney for Plaintiff
484 White Plains Road
Eastchester, New York 10709
(914) 793-9241

© 1995 JAMES BRUNING, INC.

STATE OF NEW YORK, COUNTY OF

ss.:

I, the undersigned, an attorney admitted to practice in the courts of New York State,

☐ **Certification by Attorney** certify that the within
has been compared by me with the original and found to be a true and complete copy.

☐ **Attorney's Affidavits** state that I am
the attorney(s) of record for

action; I have read the foregoing

the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by

in the within

and know the contents thereof;

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF NEW YORK, COUNTY OF

I, the undersigned, being duly sworn, depose and say: I am
in the action; I have read the foregoing

☒ **Individual Verification** as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

☐ **Corporate Verification** the

of

corporation and a party in the within action; I have read the foregoing

and know the contents thereof; and the same is true to my own knowledge,

except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

ANDREW C. RISOLI
NOTARY PUBLIC-STATE OF NEW YORK
No. 02R16184715
Qualified in Westchester County
My Commission Expires April 07, 2012

STATE OF NEW YORK, COUNTY OF

ss.:

(If more than one box is checked—indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at

On

I served the within

☐ **Service by Mail**

by mailing a copy to each of the following persons at the last known address set forth after each name below.

☐ **Personal Service on Individual**

by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein:

☐ **Service by Electronic Means**

by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a copy to the address set forth after each name.

☐ **Overnight Delivery Service**

by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name below.

Sworn to before me on

The name signed must be printed beneath

SUPREME COURT STATE OF NEW YORK
COUNTY OF WESTCHESTER

Index No.

Year

RJI No.

Hon.

IVAMAE GREEN, Individually and as
Parent and Natural Guardian of
FITZROY BARNES, FATIMA BARNES,
and EULACE BARNES, Infants,

Plaintiffs,

-against-

CITY OF MOUNT VERNON,

Defendants.

SUMMONS and COMPLAINT

ANDREW C. RISOLI, ESQ.

Attorney for Plaintiffs

Office and Post Office Address, Telephone
484 White Plains Road
EASTCHESTER, N.Y. 10709
(914) 793-9241

To

Signature (Rule 160-1.4-a)

Attorney(s) for

Print name beneath

Andrew C. Risoli

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

at

M

Dated,

Yours, etc.

ANDREW C. RISOLI, ESQ.

Attorney for

To

Attorney(s) for

Office and Post Office Address
484 White Plains Road
EASTCHESTER, N.Y. 10709

**STATE OF NEW YORK, COUNTY OF WESTCHESTER
CITY OF MOUNT VERNON**

ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York State, and

- ☐ Certification by Attorney: certify that the annexed has been compared by me with the original and found to be a true and complete copy thereof.
- ☐ Attorney's Affirmation: say that: I am the attorney of record or of counsel with the attorney(s) of record, for I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following:

The reason I make this affirmation instead of is

I affirm that the foregoing statements are true under penalties of perjury.

Dated:

(The name signed must be printed beneath)
HINA SHERWANI

**STATE OF NEW YORK, COUNTY OF WESTCHESTER
CITY OF MOUNT VERNON**

ss:

being sworn says: I am

- ☐ Individual Verification: in the action herein, I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.
- ☒ Corporate Verification: the of the City of Mount Vernon a municipal corporation, one of the parties to the action; I have read the annexed Notice of Removal know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following: - Information, records and documents in the possession of officials, Boards, or Departments of the City of Mount Vernon, and from conversations had with said officials.

Sworn before me on January 29, 2010

HINA SHERWANI

**STATE OF NEW YORK, COUNTY OF WESTCHESTER
CITY OF MOUNT VERNON**

ss:

Cherylina G. Puma being sworn says: I am not a party to the action, am over 18 years of age and reside at Mount Vernon, New York

- ☒ Service By Mail: On January 29, 2010 I served a true copy of the annexed Notice of Removal in the following manner:
- ☐ Personal Service: by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:
- by delivering the same personally to the person and at the addresses indicated below:

To:

Mr. Andrew C. Risoli
Attorney for Plaintiff
484 White Plains Road
Eastchester, New York 10709
(914) 793-9241

Sworn to before me January 29, 2010



JOANA H. AGGREY
Notary Public, State of New York
No. 02460186297
Qualified in Westchester County
Commission Expires April 28, 2012

